

United States District Court
Eastern District of California

James Anthony Morris,

Plaintiff,

No. Civ. S 05-0305 GEB PAN P

vs.

Findings and Recommendations

L. K. Turner, et al.,

Defendants.

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Plaintiff is a state prisoner without counsel prosecuting a civil rights action against prison officials. He claims his constitutional rights were violated in connection with a disciplinary decision forfeiting 121 days' good-time credits.

March 3, 2005, the court ordered plaintiff to show cause why this action is not barred by Heck v. Humphrey, 512 U.S. 477 (1994). Plaintiff responded May 4, 2005, but he does not establish his disciplinary conviction has been invalidated through a writ of habeas corpus or other means. Therefore

1 plaintiff cannot proceed under the civil rights statute, for
2 reasons explained in the March 3, 2005, order.

3 Accordingly, the court hereby recommends that this action be
4 dismissed.

5 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
6 findings and recommendations are submitted to the United States
7 District Judge assigned to this case. Written objections may be
8 filed within 20 days of service of these findings and
9 recommendations. The document should be captioned "Objections to
10 Magistrate Judge's Findings and Recommendations." The district
11 judge may accept, reject, or modify these findings and
12 recommendations in whole or in part.

13 Dated: May 31, 2005.

14 /s/ Peter A. Nowinski
15 PETER A. NOWINSKI
16 Magistrate Judge
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